

**12225. Misbranding of tomatoes. U. S. v. Garcia & Maggini Co., a Corporation. Plea of guilty. Fine, \$100.** (F. & D. No. 17698. I. S. Nos. 8670-v, 11270-v, 11271-v, 11272-v.)

On January 14, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Garcia & Maggini Co., a corporation, San Francisco, Calif., alleging that on or about June 5 and 12, 1923, respectively, the said company did deliver at San Francisco, Calif., for shipment from the State of California into the Territory of Hawaii, various consignments of tomatoes which were misbranded in violation of the food and drugs act, as amended. Two consignments of the article were labeled in part: (Crate) "Shipped By Garcia & Maggini Co. \* \* \* Green Net 20 Lbs." A third consignment, 1 crate, of the article was labeled in part: (Crate) "Fancy Green \* \* \* 21 Lbs. Net." The remainder of the consignment was labeled: (Crate) "Shipped By Garcia & Maggini Co. S. F." The fourth consignment bore no statement as to the quantity of the contents of the article.

Examination by the Bureau of Chemistry of this department of the product involved in the three consignments labeled "20 Lbs. Net" showed that the net weight of the product in the said crates was less than 20 pounds.

Misbranding was alleged with respect to a portion of the article for the reason that the statements, to wit, "Net 20 Lbs.," and "20 Lbs. Net," as the case might be, borne on the crates containing the said article, were false and misleading, in that the said statements represented that the said crates contained 20 pounds net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said crates contained 20 pounds net of the article, whereas, in truth and in fact, each of said crates did not contain 20 pounds net of the article but did contain a less amount. Misbranding was alleged with respect to the product involved in all of the consignments for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12226. Adulteration of Brazil nuts. U. S. v. 123 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17981. I. S. No. 15804-v. S. No. E-4567.)

On November 7, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 123 bags of Brazil nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Wilson Holgate & Co., from Mansos, Brazil, on or about March 27, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the articles was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 13, 1924, the Hills Bros. Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be sorted in a manner satisfactory to this department and the bad portion destroyed, and conditioned further that if such sorting be not accomplished to the satisfaction of this department the entire lot be denatured or destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**12227. Adulteration and misbranding of butter. U. S. v. Central Illinois Creamery Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs.** (F. & D. No. 17140. I. S. No. 1703-v.)

On June 27, 1923, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Central Illinois Creamery Co., a corporation, Nokomis, Ill., alleging ship-